

Fair tonight; increasing cloudiness tomorrow; light, variable winds.

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SEES PERIL FOR THE CONSTITUTION

Justice Harlan Hopes Instrument Will Weather Storms Created in Effort to Make a World-Power.

"Let us hope that this great instrument, which has served so well, will weather the storms which the ambitions of certain men are creating. In an effort to make this country a world-power."

Associate Justice John M. Harlan, of the Supreme Court of the United States, in a lecture yesterday on constitutional law before a class of Columbian University law students, to which public school teachers of Washington were admitted, made the above significant remark which has caused considerable comment.

DEFENSE OF FAITH IS SMOOT'S REPLY

Utah Senator Declares That Not Only Is He No Polygamist, But That the Mormon Church Does Not Sanction Such Practice.

The answer of Senator Reed Smoot of Utah to the charges filed against him with the Senate Committee on Privileges and Elections was formally laid before that committee today, at its regular meeting, by Chairman Burrows. Senator Smoot was not present.

The answer is a document of about 6,000 words, and discusses the matter fully in all its phases. It says in part:

"This respondent is advised that but two of the charges against him in said protests are such as, if true, could legally affect his right to hold his seat in the Senate."

Cites Two Charges.

These two charges are:

"1. That the respondent is a polygamist.

"2. That he is bound by some oath or obligation which is inconsistent with the oath required by the Constitution, which was administered to him before he took his seat as a Senator.

"Both these charges the respondent denies.

"As to the charge that he is a polygamist, the respondent says that he was married on the 17th day of September, 1884, to Alpha May Aldridge. She is still his wife, and is the mother of all his children. He has never had any other wife.

"Secret Oath a Myth."

"As to the charge that the respondent is bound by some oath or other obligation controlling his duty under his oath as a Senator, the respondent says that he has never taken any such oath, or in any way assumed any such obligation. He holds himself bound to obey and uphold the Constitution and laws of the United States, including the condition in reference to polygamy, upon which the State of Utah was admitted into the Union.

"The respondent denies that the Church of Jesus Christ of the Latter Day Saints, or any part thereof, or any person therein, inculcates or encourages a belief in the practice of polygamy, as in previous years. This announcement was made by Superintendent Stuart this morning.

"The condition was the same last year, the school being open only forty-eight nights. This year they may run fifty nights, but no more. The reason is that Congress last year reduced the appropriation from \$9,300 to \$6,500, and did the same thing this year. As the attendance and expenses remain practically the same, the school year has to be shortened to the great disadvantage of a large number of scholars, to whom this is the only method of obtaining an education.

Unfairly Treated.

Superintendent Stuart thinks the night schools have been unfairly treated by Congress, not only by meager appropriation, but by establishing an age limit of twenty-one years, beyond which no person can receive tuition. He thinks this works a hardship upon many earnest and industrious young men and women who are ambitious to acquire a moderate education. Many of these persons are self-supporting or in a financial condition which will permit them to give the necessary time to night schools if they have passed the age of twenty-one.

No Political Dictation.

The answer then goes into a lengthy discussion of the principles of the Mormon Church, averring that there is nothing in its organization or doctrine subservient of the Constitution or laws of the United States, and that the leaders of the church have never assumed the principle or practice of political dictation.

He asserts that although the practice of polygamy has been continued by some few individuals in the Mormon church since the manifesto of President Wilford Woodruff in 1890, it is done on the sole responsibility of such persons and subject to the penalties of the law. The answer concludes as follows:

"This respondent says that he has never advised any person, either directly or indirectly, either to go into polygamy or to continue the practice of polygamy.

Gentle Vote for Smoot.

"This respondent states and alleges that in May, 1902, he announced that he would be a Republican candidate for United States Senator from the State of Utah."

WEATHER REPORT.

Except on the north Pacific coast in the lower lake region, and New England, fair-weather has prevailed. Temperatures are somewhat lower this morning in the lake region, and generally in the South and Southwest. The Gulf States, and snow in the lower Ohio Valley. The area of low pressure will probably extend over the Gulf States, and snow in the lower Ohio Valley. The area of low pressure will probably extend over the Gulf States, and snow in the lower Ohio Valley.

TEMPERATURE.

9 a. m. 32°
12 noon 34°
3 p. m. 36°
6 p. m. 38°
8 p. m. 36°

WIND TABLE.

High 40° at 10 a. m. 1:13 a. m.
Low 28° at 10 p. m. 1:13 a. m.

DEATH OF THE EDITOR OF "WILLIAMSPORT SUN"

WILLIAMSPORT, Pa., Jan. 9.—James W. Sweeney, editor of the "Sun," died at midnight last night.

AMERICA TO KEEP HANDS FREE FROM WRANGLE IN EAST

Admiral Evans Ordered to Sail With Squadron to Subig Bay.

JAPAN BUYS A CRUISER

Sending of Troops Into Korea Would Be Regarded as Casus Belli by Russia.

The United States will keep out of the Far East wrangle. The Administration has so determined.

Admiral Evans will proceed to Subig Bay with the Asiatic squadron of the United States navy and remain far away from the waters where the Russian and Japanese navies will probably meet.

Upon his arrival today at Guam with the squadron, Admiral Evans will receive orders from Secretary Moody to go direct to the American naval station at Subig Bay, near Manila.

The Administration decided to send these instructions to Admiral Evans that the world may know the United States intends to keep out of the trouble.

Japan has obtained an option on the new Turkish cruiser Medjidie, which is nearing completion in the Cramp yards in Philadelphia. Russia and Japan have both been negotiating for the vessel through the Ottoman Bank, of Constantinople, but Japan is reported to have offered \$2,500,000, half a million dollars more than the cruiser cost.

Has Troops in Korea.

PORT ARTHUR, Jan. 9.—The newspaper "Novi Krai" asserts that Japan has already sent a large armed force of soldiers to Korea, disguised as immigrants, to be ready for any unexpected developments.

ST. PETERSBURG, Jan. 9.—It is expected here that if hostilities between Russia and Japan should occur there would be no formal declaration of war. Diplomats circle here do not share the belief held in what was heard on board the sending of Japanese troops to Korea would not constitute a casus belli. It is true that Japan claims the right to send troops to Korea with Russian consent, but under existing conditions it is thought such action would undoubtedly cause a collision between such troops and the nearest Russian force.

NIGHT SCHOOLS CLOSE FOR LACK OF MONEY

Appropriation Exhausted Early Next Month.

APPEAL MADE TO CONGRESS

Many Worthy Workingmen and Women Unfairly Deprived of Instruction Through Niggardly Legislation.

Because of insufficient appropriation by Congress, the public night schools of the District of Columbia will have to close early in February this year, instead of continuing until May or June, as in previous years. This announcement was made by Superintendent Stuart this morning.

The condition was the same last year, the school being open only forty-eight nights. This year they may run fifty nights, but no more. The reason is that Congress last year reduced the appropriation from \$9,300 to \$6,500, and did the same thing this year. As the attendance and expenses remain practically the same, the school year has to be shortened to the great disadvantage of a large number of scholars, to whom this is the only method of obtaining an education.

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PRINCE CUPID'S TRIAL AGAIN POSTPONED

Attempt to Settle the Case Out of Court Not Likely to Be Successful.

Prince Cupid, the Hawaiian Delegate to Congress, obtained a removal postponement today of his trial on the charge of fighting on Monday night in front of a well-known cafe in Thirteenth Street. His companion in trouble, Fred Clarke, was on hand and explained that the prince had matters of importance to attend to at the Capitol, and the case was continued until next Tuesday.

It was learned that an effort has been made by the prince to settle the case out of court, but such action is hardly probable. James L. Pugh, Assistant Corporation Counsel, is said to be willing to not-prosecute the case, and Police- man Wolfe, who assisted in the arrest, is also willing. Police- man Garrison, who saw the prince up and made the arrest, said this morning he would exercise his right and force the case to trial.

Police- man Garrison said that when arrested the prince, whose given name is Joseph Kihiko Kalaninui, kicked up a general row, asserted that as a delegate in Congress he could not be arrested, and indulged in language which would vex the most phlegmatic man on the force. For that reason the police- man is determined to bring the case to trial and see whether or not a Hawaiian prince has the right to do anything he pleases in Washington without fear of arrest.

TO REMOVE ORSINI'S TOMB.

ROME, Jan. 9.—Because of the threatening condition of the famous Cathedral of Spoleto, the government has ordered the immediate removal of the tombs of Francesco Orsini and Orsini.

WHAT THE NEW 4:30 O'CLOCK CLOSING ORDER WILL MEAN

100,000 employees are directly affected. Government will gain 50,000 hours of work per day. This is equivalent to addition of 7,143 clerks. Government will gain equivalent of \$7,000,000 in wages a year. Railroads will probably revise afternoon train schedules. Afternoon classes of colleges and law schools must change hours. Times of afternoon concerts and entertainments must be changed. Business houses will be forced to remain open later. Status of District employees not yet determined. Will probably fare the same as Government employees.

WM. JENNINGS BRYAN ARRIVES ON CELTIC

White Star Liner Sighted Outside Sandy Hook. Democratic Reception Awaiting the Nebraska Upon His Landing.

NEW YORK, Jan. 9.—The Holland-American liner Sloterdijk brought word to Quarantine at 9:47 o'clock this morning that the White Star liner Celtic, with William Jennings Bryan on board, was approaching outside of Sandy Hook. The steamer was scheduled to arrive yesterday, but has doubtless been delayed by the heavy weather. There is a heavy fog outside this morning, and it may be some hours before the liner will reach her dock.

Great preparations have been made by the Democratic friends of Mr. Bryan to welcome him back from his trip abroad. Prominent Democrats of Manhattan have chartered a tug, on board of which they will steam down the bay to welcome home their leader in two national campaigns. The tug will accompany the steamer to her dock, where another committee will be waiting. Mr. Bryan will then be conducted to the Victoria Hotel, where a rousing reception has been planned for him.

The delay in the Celtic's arrival caused a temporary break in the program, and all day yesterday the members of the welcoming committee waited at the Battery for some word of the sighting of the vessel.

Mr. Bryan has had a most enjoyable trip abroad. Everywhere he was accorded honors given an illustrious American. He was granted audiences by King Edward, Czar Nicholas, Emperor Franz Josef, the Pope, Count Tolstoy, the eminent Russian author, and many other men of note in foreign affairs.

JURY CHARGES NEGLECT IN EMERGENCY HOSPITAL

Verdict Says Offutt Died Without Proper Care.

DEPUTY CORONER'S REPORT

Patient With Fracture of Skull Appears Not to Have Been Carefully Examined by Surgeons.

"We, the Coroner's jury, are of the opinion that Henry T. Offutt, while a patient in the Emergency Hospital, did not receive the proper care which was due his case under the circumstances."

This verdict was returned this morning by the jury, assembled by Coroner Nevitt at the inquest into the death of Henry T. Offutt, the House of Detention guard, who fell from a car at Seventeenth Street and Pennsylvania Avenue northwest, on Tuesday afternoon, receiving a fracture of the skull, from which he died yesterday morning.

Hurt Getting Off Car.

On the day of the accident Offutt had been over to Georgetown to purchase groceries, when, on his way home, he was thrown from the car while rounding the curve, striking on his head. He was removed to the Emergency Hospital, where the case was diagnosed as merely scalp wounds. The next morning pronounced symptoms of a fractured skull developed, and Offutt died without regaining consciousness.

Deputy Coroner Glazebrook gave the results of the autopsy performed by him, which showed a fracture of such a nature as he described as easy of detection. At this point Frank Raymond asked the deputy coroner:

"Do you think the dead man was properly taken care of at the hospital?"

"I prefer not to answer that question," said the deputy coroner, "beyond the answer that is conveyed in my statement that the fracture of the skull was so easy of detection that it was not even necessary to make an incision of the scalp to discover it as the brain substance was oozing through the scalp."

After a few minutes' consideration the jury brought in a verdict of accidental death, with the additional comment above.

MR. WOLF DEPRECATES AGITATION AMONG JEWS

"I deprecate the fact that sensationalism was given such free rein in stirring excitement among Jews in this country to fever heat."

This was the comment on the Kishinev situation made today by Simon Wolf, of the executive council of B'nai B'rith.

Mr. Wolf was asked if the Jews of this country were still fearing that a massacre would occur. He was informed, he said, that mass meetings were still being held, but he saw no reason for them and believed that it was time for the excitement to cease.

WILLIAMS WOULD REMOVE THE DUTY FROM COAL

Representative Williams (Dem., Miss.) has introduced a bill to place coal on the free list. Another bill also introduced by Mr. Williams as an alternative measure provides for the extension of the act of last year, which removed the duty on coal for one year and which expires on January 15.

Prevents Pneumonia.

Father John's Medicine cures colds.—Adv.

LONG-DAY RULE FAR REACHING IN ITS EFFECT

Train Schedules Must Be Changed, Lecture Hours Rearranged, and Business Interests Generally Affected by Decision.

COLUMBIAN UNIVERSITY TO ACCOMMODATE CLERKS

Orders Regarding the New Working Day Issued in Various Departments This Morning—Appeals Reach Members of Congress.

Business interests in the District will be materially affected by the new order requiring Government clerks to remain at their desks until 4:30 in the afternoon. It may be necessary for the stores to keep open longer because of it. It will have an important effect on the law schools, most of which have timed their lectures and classes to suit the needs of young men in the departments who are taking law courses in the local schools.

Hours for Concerts.

The hours for the afternoon concerts will have to be modified. Even the baseball arrangements next summer will doubtless have to be varied to suit the new arrangements.

Readjustment of the schedules of all suburban trains will be made necessary by the decision of the Cabinet that clerks shall work until 4:30 in the afternoon.

More than 800 students of Columbian University have been affected by the change of hours for Government clerks. In order to accommodate those students, who are Government clerks, the hours for afternoon lectures have been changed. The first lecture will begin at 4:30, instead of 4:00 as heretofore, and will be concluded at 5:30. The second lecture will begin immediately and be over at 6:30.

Change of Schedules.

The Pennsylvania Railroad and the Baltimore and Ohio will probably change many of their afternoon train schedules for the accommodation of Government clerks living out of town. Nothing has as yet been done regarding the Baltimore and Ohio schedules, but it is believed that a change will be made within the next few days. The question has already been brought up in the Philadelphia offices of the Pennsylvania Railroad, though just what the issue will be is not known.

Both roads accommodate an unusually large number of Government clerks who live in the suburbs of Washington and in Baltimore. For the special convenience of these clerks, trains are run at an hour, which will allow them to reach their homes in good time for the dinner hour, and it is believed that, in view of the extension of work time in the Government departments, the schedule will be moved up half an hour or so.

Clerks Hear Order.

The orders regarding the working day were issued in the various departments this morning. The order is as follows:

"Attention is called to the provisions of March 15, 1898, which provides as follows: 'It shall be the duty of the heads of the executive departments, in the interest of the public service, to require of all clerks and other employees of whatever grade or class, in their respective departments, not less than seven hours of labor each day except Sundays and days declared public holidays by law or executive order. Provided, That the heads of the departments may, by special order, stating the reason therefor, extend the hours of service of any clerk or employee in their departments respectively; but in case of an extension it shall be without additional compensation.'

Hours for Employees.

"In order more effectually to comply with the above provision of law, it is hereby ordered—

"1. On and after Monday, January 11, 1904, the hours of labor for all clerks and other employees of whatever grade or class in this department, except those now required by law or regulation to work more than seven hours a day, will be from 9 a. m. to 4:30 p. m., with an allowance of one-half hour for luncheon.

"2. The foregoing provision will apply to all Saturdays except during the months of July, August and September. During those months the hours of labor will be from 9 a. m. to 4:30 p. m., without any allowance for luncheon.

WHAT GOVERNMENT GAINS BY ADDED HALF HOUR

The new order of the Cabinet lengthening the department working day means that without adding an employee the Government will gain 50,000 hours of work per day, about 2,000,000 days' labor annually and not less than \$7,000,000 in wages annually.

The employees may enter a formal protest against the order, requesting its modification. Already much dissatisfaction is expressed all along the line.

Conservative estimates place the number of Government employees directly affected at 100,000. The order will apply to clerks and employees of every grade in all of the executive departments. It is not restricted to the District of Columbia, but will apply to thousands of Government employees in other parts of the country.

In the Treasury service alone, not far from 20,000 people will be affected. Many of these are in the customs service. Assistant Secretary Armstrong estimates the number of people in this service at about 10,000. Practically all these employees have been quitting work at 4 o'clock. Under the new order, taking effect Monday, they will work until 4:30 o'clock.

At the same time, it is expected there will be some slight outlay because of the order. In the winter season, in the various department buildings, it will be necessary to light up the offices for the last half hour of the day. This will entail added expense for lighting bills. The offices generally are fully equipped with lighting facilities already, though few of the offices are ever lighted up.

Origin of Order.

The new order is the direct result of the insistence by the Appropriations Committee of the House on the departmental living up to the law as to hours of labor. As usual, this year, the heads of departments asked the committee for increased appropriations.

The committee took the position that the employees of the executive departments were now not working the prescribed seven hours. It was held that in working from 9 o'clock until 4 o'clock, with a half hour out for luncheon, the employees were putting in but six and one-half hours per day. When the question came before the Cabinet for the meeting yesterday, all the members acquiesced in this view.

HUNDREDS OF APPEALS SENT TO CONGRESS

Hundreds of appeals have already been sent to members of Congress from employees of departments asking that a law be enacted fixing the maximum number of hours which shall constitute a legal work day.

Senators and members of the House began receiving these appeals this morning and it is expected that a deluge of them will pour down on the Capitol for the next few days. These appeals invariably urge that action be taken fixing the outside limit of time within which employees can be required to give their services. The Attorney General's ruling is that not less than seven hours daily are to be given, but leaves open the maximum number of hours.

CONGRESSMEN APPROVE THE NEW WORKING DAY

The general tone of comment among Senators and Congressmen living at the White House today on the order lengthening the working day in the departments was favorable to the order.

Representative Hull said: "I do not see any objection to the order myself. I believe it is a good thing. The department was urged that action be taken fixing the outside limit of time within which employees can be required to give their services. The Attorney General's ruling is that not less than seven hours daily are to be given, but leaves open the maximum number of hours."